

OLD CITY OF YORK LANDFILL
ADMINISTRATIVE RECORD FILE * **
FOR THE UNILATERAL ADMINISTRATIVE ORDER
AND THE ADMINISTRATIVE ORDERS ON CONSENT
INDEX OF DOCUMENTS

1. Administrative Order on Consent, In The Matter Of: Old City of York Landfill site, City of York, Inc., U.S. EPA Docket No. III-92-37-DC, 4/12/93. P. 1-9. A transmittal letter is attached.
2. Letter to Mr. James Heenehan, and Ms. Patricia Miller, U.S. EPA, from Mr. Marc G. Tarlow, Kain, Brown and Roberts, re: Transmittal of financial materials from the City of York, 9/5/91. P. 10-65. The General Fund analysis presented to City Council on June 10, 1991, the preliminary and tentative draft on the General Purpose Financial Statements for the years ended December 31, 1990 and 1989, and report of Independent Certified Public Accountants are attached.
3. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Edward C. Roberts, The City of York, re: Request to amend the City of York's good faith proposal, 1/27/92. P. 66-78. The following are attached:
 - a) a payment analysis;
 - b) a letter regarding the City of York's ability to contribute to the settlement, dated August 6, 1991;
 - c) Attachment A, York City Taxes vs. other municipalities, 1990;
 - d) Attachment B, Federal and State Funds as Percent of Total Revenue;
 - e) Attachment C, City of York Beginning Fund Balance;
 - f) Attachment D, a newspaper article entitled

* Administrative Record File available 11/7/94, updated 1/13/95 1/19/95, 3/14/95, 3/24/95 and 7/20/95.

** Additional documents pertaining to this Unilateral Administrative Order are indexed and located in Old City OfYork Unilateral Order Volume I.

"Budget cuts claim Eagle fire station in York," York Daily Record, July 27, 1991;

- g) Landfill Expenditures;
 - h) City of York Fund Summary - Sanitary Sewer Maintenance Fund;
 - i) City of York Unit Budget Summary;
 - j) City of York, Pennsylvania Fund Revenues and Expenses.
- 4. Letter to Ms. Suzanne Canning, U.S. EPA, from Mr. Joseph J. McGovern, Obermayer, Rebmann, et al., re: Request that EPA reconsider the proposed Administrative Settlement published on April 28, 1993, 5/27/93. P. 79-83.
 - 5. Letter to Mr. Marc G. Tarlow, Kain, Brown and Roberts, from Ms. Patricia C. Miller, U.S. EPA, re: Written notice that the Regional Administrator entered the City of York Administrative Settlement, U.S. Docket No. III-92-37-DC as final on June 30, 1994, 7/1/94. P. 84-92D. The Regional Administrator's determination, comments on the Administrative Settlement, EPA's response to those comments, and two transmittal memoranda, are attached.
 - 6. Letter to Mr. James W. Gardner, Schmuck's Cleaners and Tailors, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, 11/21/91. P. 93-100. A special notice letter mailing list and two certified mail receipts are attached.
 - 7. Letter to Mr. Leif Lomo, A.B. Chance Company, Incorporated, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, 5/27/92. P. 101-107. A special notice letter mailing list, two certified mail receipts and express mail receipt are attached.
 - 8. Letter to Mr. Edwin B. Erickson, U.S. EPA, from Mr. Andrew S. Levine, Waste Management of North America, Inc., re: Request for reconsideration of EPA's administrative settlement, 6/18/92. P. 108-126. Waste Management of Pennsylvania, Inc.'s comments to the Proposed Administrative Order on Consent are attached.
 - 9. Letter to Mr. Edwin B. Erickson, U.S. EPA, from Mr. Michael C. Krancer, Blank, Rome, Comisky & McCauley,

re: The naming of Litton Industrial Automation Systems, Inc. as a Potentially Responsible Party (PRP) in the Old City of York Landfill Site, 6/25/92. P. 127-128.

10. Administrative Order on Consent, In The Matter Of: Old City of York Landfill Superfund Site, Springfield Township, York County, Pennsylvania, Docket No. III-94-24-DC, (undated). P. 129-189. The following are attached:
 - a) a transmittal letter dated September 1, 1994;
 - b) a list of Administrative Order on Consent recipients;
 - c) Attachment A, a list of the de minimis Respondents;
 - d) Attachment B, Final CERCLA Section 122(g) and Section 122(h) Settlement Report, dated July 20, 1994.
11. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. David F. Grady, Hogan & Hortson, re: "Worst-case" scenarios providing helpful parameters for settlement discussions between York Hospital and EPA, 5/28/93. P. 190-194.
12. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. David O. Bickart, Kaye, Scholer, Fierman, Hayes & Handler, re: Response on behalf of SHC Liquidating Corporation to the request for a "worst-case" estimate of waste disposal practices, 5/28/93. P. 195-199. A letter dated November 18, 1993 regarding the response to request for a follow-up on SHC Liquidating Corp.'s waste disposal practices is attached.
13. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Steven D. Strambaugh, Blakey, Yost, Bupp & Schaumann, re: "Worst-case" scenarios providing helpful parameters for settlement discussions between the Root Corporation and EPA, 5/28/93. P. 200-205.
14. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Brendan M. Dixon, Molycorp Inc., re: "Worst-case"

scenarios providing helpful parameters for settlement discussions between MolyCorp Inc. and EPA, 5/28/93. P. 206-209.

15. Letter to Ms. Suzanne Canning, U.S. EPA, from Mr. Christopher D. Thropp and Mr. Brian J. Clark, Morgan, Lewis & Bockius, re: Objections to Administrative Order on Consent between the City of York and U.S. EPA, 5/28/93. P. 210-218.
16. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Frederick S. Phillips, Shaw, Pittman, Potts & Trowbridge, re: Response to request for additional information justifying de minimis treatment, 5/28/93. P. 219-224. The statement of A.B. Chance Co. in support of the request for de minimis settlement is attached.
17. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Bradford F. Whitman, Reed, Smith, Shaw & McClay, re: Further consideration for de minimis status, 6/1/93. P. 225-227.
18. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Robert L. Collings, Morgan, Lewis & Bockius, re: BMY-Combat Systems response to the request for information regarding possible contribution of waste to the site, 6/3/93. P. 228-258. The following are attached:
 - a) a letter regarding a response to questions concerning site issues, dated June 14, 1991;
 - b) Appendix A, pages from the City of York Sanitary Landfill's ledger regarding loads of waste disposed of by BMY-Combat Systems;
 - c) Appendix B, account receipts from the site;
 - d) a letter regarding why BMY-Combat Systems should be considered de minimis rather than a Potentially Responsible Party, dated March 19, 1993;
 - e) a letter regarding supplemental information to the June 14, 1991 104(e) response, dated October 2, 1992;
 - f) a purchase record for BMY-Combat Systems

incinerator.

19. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Steven L. Leifer, Howrey and Simon, re: Additional "worst-case" scenario information regarding possible transactions between York Wallcoverings and the site, 6/9/93. P. 259-261.
20. Letter to Mr. Thomas C. Voltaggio, U.S. EPA, from Mr. Joseph J. McGovern, Obermayer, Rebmann, Maxwell & Hippel, re: "Worst-case" scenarios providing helpful parameters for settlement discussions between CertainTeed Corporation and the site, 6/17/93. P. 262-273. The affidavit of Darrell J. Armstrong is attached.
21. Letter to Mr. Herbert R. Euler, Keystone Color Works Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 274-311. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
22. Letter to Mr. Michael L. Besson, CertainTeed Corporation, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 312-349. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
23. Letter to Mr. James W. Gardner, Schmuck's Cleaners and Tailors, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 350-387. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
24. Letter to Mr. Robert N. Pokelwaldt, York International Corporation, from Mr. Abraham Ferdas, U.S. EPA, re:

Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 388-425. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.

25. Letter to Mr. Peter T. Root, Root Corporation, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 426-463. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
26. Letter to Mr. Bruce Bartels, York Hospital, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 464-501. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
27. Letter to Mr. R. Gene Dewey, Molycorp Incorporated, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 502-539. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
28. Letter to Mr. Leif Lomo, A.B. Chance Company Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 540-577. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
29. Letter to Mr. Richard E. Clemens, Bowen-McLaughlin-York Company, from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 578-615. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.

30. Letter to Mr. Carl J. Vizzi, York Wallcoverings, Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, 7/28/94. P. 616-653. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
31. Letter to Thomas J. Mazza, Simunico Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Notice of the opportunity to participate in the administrative settlement, (undated). P. 654-691. An Administrative Order on Consent-Docket No. III-94-24-DC, an itemized cost summary report through November 9, 1993, and a list of possible de minimis participants are attached.
32. Letter to Mr. Bruce M. Bartels, York Hospital, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 692-696. Two certified mail receipts are attached.
33. Letter to Mr. Herbert R. Euler, Keystone Color Works Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 697-701. Two certified mail receipts are attached.
34. Letter to Mr. Peter T. Root, Root Corporation, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 702-706. Two certified mail receipts are attached.
35. Letter to Mr. Richard E. Clemens, Bowen-McLaughlin-York Company, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 707-711. Two certified mail receipts are attached.
36. Letter to Mr. Thomas J. Mazza, Simunico Incorporated, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 712-716. Two certified mail receipts are attached.
37. Letter to Mr. Michel L. Besson, CertainTeed Corporation, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 717-721. Two certified mail receipts are attached.
38. Letter to Mr. Robert N. Pokelwaladt, York International Corporation, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 722-726. Two

certified mail receipts are attached.

39. Letter to Mr. Carl J. Vizzi, York Wallcoverings, Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 727-731. Two certified mail receipts are attached.
40. Letter to Mr. R. Gene Dewey, Molycorp Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter, (undated). P. 732-736. Two certified mail receipts are attached.
41. Memorandum to Mr. Edwin Erickson, U.S. EPA, from Ms. Patricia Miller, U.S. EPA, re: Telephone conversation of Ms. Patricia Miller and Ms. Ann Barry, City of York, concerning York's obligation to cleanup the site, 7/11/91. P. 737-737.
42. Letter to Mr. James Heenehan, U.S. EPA, from Mr. Marc G. Tarlow, Kain, Brown & Roberts, re: York's reasons for its inability to immediately fund its allocable portion of the de minimis settlement, 8/8/91. P. 738-739.
43. Letter to Mr. James Heenehan, U.S. EPA, from Mr. Marc G. Tarlow, Kain, Brown & Roberts, re: Transmittal of the audited financial statement for the City of York for the years ended December 31, 1988 and 1989, 8/23/91. P. 740-792. The financial statement is attached.
44. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Marc G. Tarlow, Kain, Brown & Roberts, re: Transmittal of financial data, 9/20/91. P. 793-980. The following are attached:
 - a) Memorandum regarding financial information, dated September 17, 1991;
 - b) Commonwealth of Pennsylvania Annual Audit and Financial Report for the County of York, City of York, for the year 1988;
 - c) Commonwealth of Pennsylvania Annual Audit and Financial Report for the County of York, City of York, for the year 1989;
 - d) Commonwealth of Pennsylvania Annual Audit and Financial Report for the County of York, City

of York, for the year 1990;

- e) Risk Management Fund Budgets and analysis;
 - f) Landfill Expenditures and supporting documents.
45. Letter to Mr. Charles E. Strehl, City of York, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter concerning the opportunity to participate in the Superfund remedial process by performing the Remedial Design and Remedial Action at the site, 11/21/91. P. 981-986. The Old City of York Landfill Special Notice Letter Mailing List is attached.
46. Letter to Mr. William P. Hulligan, Waste Management Inc., from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter concerning the opportunity to participate in the Superfund remedial process by performing the Remedial Design and Remedial Action at the site, 11/21/91. P. 987-982. The Old City of York Landfill Special Notice Letter Mailing List is attached.
47. Letter to Mr. James W. Gardner, Schmuck's Cleaners and Tailors, from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter concerning the opportunity to participate in the Superfund remedial process by performing the Remedial Design and Remedial Action at the site, 11/21/91. P. 993-998. The Old City of York Landfill Special Notice Letter Mailing List is attached.
48. Letter to Dr. Roger and Mary Lou Boser from Mr. Abraham Ferdas, U.S. EPA, re: Special notice letter concerning the opportunity to participate in the Superfund remedial process by performing the Remedial Design and Remedial Action at the site, 11/21/91. P. 999-1004. The Old City of York Landfill Special Notice Letter Mailing List is attached.
49. Letter to Mr. Charles E. Strehl, City of York, from Mr. John Banks, U.S. EPA, re: EPA's desire to arrange a meeting with all of the potentially responsible parties who received special notice letters to discuss the implementation of the remedy for the site as set forth

in the Record of Decision, 12/16/91. P. 1005-1005.

50. Letter to Mr. William P. Hülligan, Waste Management Inc., from Mr. John Banks, U.S. EPA, re: EPA's desire to arrange a meeting with all of the potentially responsible parties who received special notice letters to discuss the implementation of the remedy for the site as set forth in the ROD, 12/16/91. P. 1006-1006.
51. Letter to Mr. James W. Gardner, Schmuck's Cleaners and Tailors, from Mr. John Banks, U.S. EPA, re: EPA's desire to arrange a meeting with all of the potentially responsible parties who received special notice letters to discuss the implementation of the remedy for the site as set forth in the ROD, 12/16/91. P. 1007-1007.
52. Letter to Dr. Roger and Mary Lou Boser from Mr. John Banks, U.S. EPA, re: EPA's desire to arrange a meeting with all of the potentially responsible parties who received special notice letters to discuss the implementation of the remedy for the site as set forth in the ROD, 12/16/91. P. 1008-1008.
53. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Edward C. Roberts, City of York, re: Reiteration of the City of York's good faith proposal communicated to the EPA and other PRPs on January 8, 1992, 1/13/92. P. 1009-1013. A letter concerning draft language reflecting the installment payments which the City of York believes it could make, and an envelope are attached.
54. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Edward C. Roberts, City of York, re: Amendment to York's good faith proposal embodied in the letter of January 13, 1992, 1/27/92. P. 1014-1015.
55. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Edward C. Roberts, City of York, re: Transmittal of a letter recently received from Groundwater Technology Inc. outlining amounts they claim due, 1/28/92. P. 1016-1026. The letter is attached.

56. Letter to Mr. Charles E. Strehl, City of York, from Mr. Abraham Ferdas, U.S. EPA, re: EPA's failure to receive any good faith offers, termination of the moratorium on Fund-financed action, and EPA's consideration to commence action pursuant to its authority under CERCLA, 1/30/92. P. 1027-1027.
57. Letter to Mr. William P. Hulligan, Waste Management Inc., from Mr. Abraham Ferdas, U.S. EPA, re: EPA's failure to receive any good faith offers, termination of the moratorium on Fund-financed action, and EPA's consideration to commence action pursuant to its authority under CERCLA, 1/30/92. P. 1028-1028.
58. Letter to Mr. James W. Gardner, Schmuck's Cleaners and Tailors, from Mr. Abraham Ferdas, U.S. EPA, re: EPA's failure to receive any good faith offers, termination of the moratorium on Fund-financed action, and EPA's consideration to commence action pursuant to its authority under CERCLA, 1/30/92. P. 1029-1029.
59. Letter to Dr. Roger and Mary Lou Boser from Mr. Abraham Ferdas, U.S. EPA, re: EPA's failure to receive any good faith offers, termination of the moratorium on Fund-financed action, and EPA's consideration to commence action pursuant to its authority under CERCLA, 1/30/92. P. 1030-1030.
60. Letter to Ms. Patricia Miller, U.S. EPA, from Mr. Marc Tarlow, Kain, Brown & Roberts, re: Prompt payment by the City of York for the York County Landfill oversight costs, 2/14/92. P. 1031-1032.
61. Letter to Mr. Marc G. Tarlow, Kain, Brown & Roberts, from Ms. Patricia C. Miller, U.S. EPA, re: Confirmation of the proposed settlement terms between the United States and the City of York resolving the liability of York and the past owner and operator of the site pursuant to CERCLA, 4/14/92. P.1033-1034.
62. Letter to Andrew S. Levine, Waste Management of North America, Inc., from Mr. Edwin B. Erickson, U.S. EPA, re: Response to inquiry concerning a proposed settlement between EPA and the City of York, 7/2/92. P. 1035-1036.
63. Excerpt from Federal Register, Volume 58, No. 80, 4/28/93. P. 1037-1038.

64. A Supplemental Information Sheet for the City of York, (undated). P. 1039-1046. A supplemental information worksheet and instructions for assessing the community's debt position are attached. * Please see entry #75 for the handwritten notes concerning this Information sheet.
65. Memorandum to file from Ms. Patricia Miller, U.S. EPA, re: January 22, 1992 telephone discussion with Mr. Marc Tarlow, Kain, Brown & Roberts, and Ms. Patricia Miller and Mr. Leo Mullin, U.S. EPA, concerning York's ability to pay, (undated). P. 1047-1049. Handwritten notes concerning financial information are attached.
66. Memorandum to file from Ms. Patricia Miller, U.S. EPA, re: Teleconference with EPA and Mr. Frick, Mr. Robinson, Mr. Tarlow and Mr. Roberts, concerning the discussion of York financials, (undated). P. 1050-1051. Handwritten notes concerning financial information are attached.
67. Memorandum to file from Ms. Patricia Miller, U.S. EPA, re: September 3, 1991 telephone discussion with Mr. Marc Tarlow, Kain, Brown & Roberts, and Ms. Patricia Miller, U.S. EPA, concerning York financials submitted for the site, (undated). P. 1052-1053. Handwritten notes concerning financial information are attached.
68. Memorandum to Assistant Administrators and Regional Administrators from Mr. Thomas L. Adams, Jr., U.S. EPA, re: Guidance on determining a violator's ability to pay a civil penalty, 12/16/86. P. 1054-1063.
69. Excerpt from Intermediate Accounting, Sixth Edition, pages 21-22, re: Implementation constraints, 1982. P. 1064-1066.
70. Excerpt from Auditing, An Integrated Approach, Third Edition, pages, 230-234, re: Preliminary estimate of materiality, 1984. P. 1067-1074.
71. Memorandum to Regional Administrators, U.S. EPA, from Mr. Don R. Clay, U.S. EPA, re: Interim policy on CERCLA settlements involving municipalities or municipal wastes, OSWER Directive No. 9834.13, 12/6/89.

* This information is confidential as deliberative process material, attorney work product and an attorney - client communication.

P. 1075-1110. Two EPA fact sheets entitled Interim CERCLA Municipal Settlement Policy and a memorandum dated December 6, 1989 regarding transmittal of the policy are attached.

- 72. Handwritten notes re: The City of York's financial ability, prepared by Mr. Fred Knapp, (undated). P. 1111-1120.
- 73. Selected yields for general obligation bonds, (undated). P. 1121-1121.
- 74. Proposed payment schedules, (undated). P. 1122-1122.
- 75. Handwritten notes re: The City of York's financial ability, prepared by Mr. Thomas Maher, (undated). P. 1123-1124. * Please see entry #64 for the Supplemental Information Sheet associated with these notes.
- 76. Routing and Transmittal slip to Mr. Leo Mullin and Mr. Fred Knapp, U.S. EPA, from Ms. Patti Miller, U.S. EPA, re: Negotiating section 122(h) settlement, 1/29/92. P. 1125-1127. Handwritten notes concerning the costs of the RI/FS are attached.
- + 77. Ten-Point Settlement Decision Analysis for the Old City of York Landfill Superfund Site, (undated). P. 1128-1139. Two transmittal memoranda are attached.
- 78. Federal Register Notice, Volume 50, No. 24, re: Request for public comment on EPA's interim CERCLA settlement policy, 2/5/85. P. 1140-1151.
- 79. Financial Capability Guidebook, prepared by U.S. EPA, 3/84. P. 1152-1241.

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